



# Department of Justice

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Middle District of Florida

Tampa                      Orlando  
FOR IMMEDIATE RELEASE  
December 15, 2010  
<http://www.usdoj.gov/usao/flm/pr>

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## **FORMER FEDERAL CORRECTIONAL OFFICER SENTENCED TO NINE YEARS FOR CIVIL RIGHTS VIOLATIONS**

Orlando, Florida - U.S. Attorney Robert E. O'Neill announces that Chief U.S. District Judge Anne C. Conway yesterday sentenced Michael Kennedy (age 36, of Inverness) to nine years in federal prison for conspiracy to violate the civil rights of an inmate at Coleman Federal Correctional Complex, and for violating that inmates civil rights. Kennedy was indicted on October 29, 2009, in a two-count indictment charging him with violating Title 18, United States Code, Sections 241 and 242. Kennedy was found guilty on July 8, 2010, after a jury trial in Orlando.

According to court documents and the evidence presented at the trials of Kennedy and his co-conspirator Erin Sharma, another former correctional officer, on February 23, 2005, Richard Delano, an inmate at the Federal Correctional Complex at Coleman, forced open the food slot of his cell for the apparent purpose of demanding a clean blanket. Sharma reached into the food slot to pull it closed. Delano grabbed Sharma's arm and twisted it. Sharma resisted and screamed. With the assistance of another officer, she pulled her arm free. Sharma loudly threatened Delano, claiming he was a "dead man."

On February 28, 2005, Sharma talked with another corrections officer, Michael Kennedy, about moving Delano into a cell in the Special Housing Unit with a notoriously

violent inmate, John McCullah, who was known to hate informants. Kennedy and Sharma agreed that McCullah was likely to assault Delano if such a cell transfer were to occur, because Delano was widely reputed to be an informant.

Later on February 28, 2005, Kennedy falsely represented to his supervisor that a new inmate needed to be housed in a cell by himself due to a medical condition, and that Delano had agreed to give up his solo cell if he could move in with McCullah. After the supervisor agreed to the move, Kennedy told Sharma that he would wait until the following day to move Delano, so that Sharma would not be present. Later on February 28, 2005, Sharma spoke with McCullah about Delano. During that conversation, McCullah confirmed that he wished to harm Delano. Sharma and McCullah discussed what kind of harm should be inflicted upon Delano, and when. During this conversation, McCullah proposed to kill or maim Delano. By her own admission, Sharma then told McCullah: "No, don't do that - just break his leg." Sharma further instructed McCullah to attack Delano at a time when she was on vacation, so that she would not be implicated in the attack. Sharma told McCullah that she expected to take a vacation later that week.

On March 1, 2005, Kennedy transferred Delano to McCullah's cell. Three days later, McCullah brutally assaulted Delano. Delano died from injuries related to that assault on March 17, 2005.

Sharma went to trial in June 2009 on the same charges and was convicted by a jury. She was sentenced to life imprisonment upon the jury's finding that Delano's death resulted from her conduct. The jury in the Kennedy trial did not make a similar finding, so Kennedy faced a maximum sentence of ten years on each count of conviction.

"The criminal actions of these corrections officers directly led to an unjustifiable

death,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “Their conduct was completely intolerable and has no place in our corrections facilities.”

United States Attorney Robert E. O’Neill said, “Prosecuting civil rights violations is a top priority of the United States Attorney’s Office. I want to commend the Federal Bureau of Investigation and the prosecutors on this case for bringing these two corrections officers to justice.”

This case was investigated by the Federal Bureau of Investigation. It was prosecuted by Assistant United States Attorneys Douglas Kern of the Department of Justice Civil Rights Division and Bruce S. Ambrose of the U.S. Attorney's Office for the Middle District of Florida, Orlando Division.